

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHERRY BROWN, on her own behalf	:	
and on behalf of all others similarly	:	CIVIL ACTION NO: 15-CV-3509-TJS
situated.	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
RITA'S WATER ICE FRANCHISE	:	
COMPANY, LLC	:	
	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2015, upon consideration of Defendant's Motion to Dismiss and/or Strike, and Plaintiff's opposition thereto, if any, and for good cause shown, **IT IS**

ORDERED that Defendant's Motion to Dismiss and/or Strike is **GRANTED**; and

It is further **ORDERED** that Count I and Count II of the Complaint are dismissed without prejudice; and

It is further **ORDERED** that Plaintiff's Class Claims are stricken without prejudice, except that Plaintiff's class claims are stricken with prejudice to the extent that Plaintiff seeks to represent any individual who received text messages after signing up on Rita's Cool Alerts website and took no further action.

BY THE COURT:

Timothy J. Savage, J.